

No. 2019 - 5933

**Official Order  
of the  
Texas Commissioner of Insurance**

**Date:** APR 11 2019

**Subject Considered:**

Texas Department of Insurance

v.

Amanda LeeAnn Brower

SOAH Docket No. 454-19-1450.C

**General remarks and official action taken:**

The subject of this order is Amanda LeeAnn Brower's application for an escrow officer license.

**Background**

After proper notice was given, the above styled case was heard by an administrative law judge for the State Office of Administrative Hearings. The administrative law judge made and filed a proposal for decision containing a recommendation and underlying rationale and including separately stated findings of fact and conclusions of law. The administrative law judge recommended that the Texas Department of Insurance Grant Ms. Brower's application for an escrow officer's license. A copy of the proposal for decision is attached as Exhibit A.

**Findings of Fact**

The findings of fact contained in Exhibit A are adopted by the Texas Department of Insurance and incorporated by reference into this order.

2019- 5933

COMMISSIONER'S ORDER  
TDI v. Amanda LeeAnn Brower  
SOAH Docket No. 454-19-1450.C  
Page 2 of 3

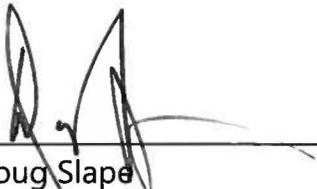
**Conclusions of Law**

The conclusions of law contained in Exhibit A are adopted by the Texas Department of Insurance and incorporated by reference into this order.

**Order**

It is ordered that Amanda LeeAnn Brower's application for an escrow officer license is granted.

Kent C. Sullivan  
Commissioner of Insurance

By: 

Doug Slape  
Chief Deputy Commissioner  
Commissioner's Order No. 2018-5528

2019- 5933

COMMISSIONER'S ORDER  
TDI v. Amanda LeeAnn Brower  
SOAH Docket No. 454-19-1450.C  
Page 3 of 3

Recommended and reviewed by:

A handwritten signature in blue ink, appearing to read "Norma Garcia", written over a horizontal line.

Norma Garcia, General Counsel  
General Counsel and Chief Clerk Division

A handwritten signature in blue ink, appearing to read "Justin Beam", written over a horizontal line.

Justin Beam, Assistant General Counsel  
General Counsel and Chief Clerk Division

2019- 5933



State Office of Administrative Hearings



Lesli G. Ginn  
Chief Administrative Law Judge

March 8, 2019

Kent Sullivan  
Commissioner of Insurance  
Texas Department of Insurance  
333 Guadalupe, Tower 1, 13<sup>th</sup> Floor, Mail Code 113-2A  
Austin, Texas 78714

VIA INTERAGENCY

**RE: SOAH Docket No. 454-19-1450.C; *Amanda LeeAnn Brower v. Texas Department of Insurance***

Dear Commissioner Sullivan:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 Tex. Admin. Code § 155.507, a SOAH rule which may be found at [www.soah.texas.gov](http://www.soah.texas.gov).

Sincerely,

  
Christiano Signo  
Administrative Law Judge

CS/eh  
Enclosure

cc: Casey Seeboth, Staff Attorney, Texas Department of Insurance, 333 Guadalupe, Tower 1, 13<sup>th</sup> Floor, Austin, Texas 78701 VIA INTERAGENCY  
Brandon Smith, The Patel Law Group, PLLC, 1125 Executive Circle, Suite 200, Irving, Texas 75038 - VIA REGULAR MAIL

SOAH DOCKET NO. 454-19-1450.C

AMANDA LEEANN BROWER,  
Applicant

v.

TEXAS DEPARTMENT OF INSURANCE,  
Respondent

§  
§  
§  
§  
§  
§  
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Department of Insurance (Department) seeks to deny the application of Amanda LeeAnn Brower for an Escrow Officer License based on her criminal history. After considering the evidence and the applicable law, the Administrative Law Judge (ALJ) recommends the Department grant Ms. Brower’s license application.

I. PROCEDURAL HISTORY, NOTICE, AND JURISDICTION

The hearing in this case was held on January 22, 2019, before ALJ Casey Bell at the State Office of Administrative Hearings in Austin, Texas.<sup>1</sup> Staff was represented by staff attorney Casey Seeboth. Ms. Brower was represented by Brandon Smith. The hearing concluded and the record closed on February 7, 2019, when a copy of the transcript was received by the ALJ. Notice and jurisdiction were not disputed and are set out in the Findings of Fact and Conclusions of Law below.

---

<sup>1</sup> Since the time of the hearing, Judge Bell has left the State Office of Administrative Hearings. The undersigned Administrative Law Judge has reviewed the evidence and transcript of the hearing.

## II. DISCUSSION

### A. Background

On December 15, 2010, Amanda LeeAnn Brower pleaded guilty to robbery by threats, a second degree felony, in Cause No. 1207311W in the Criminal District Court No. 3 in Tarrant County, Texas. Under her plea deal, she received deferred adjudication and was sentenced to ten years of community supervision. She was released after seven years.

On September 11, 2018, Ms. Brower applied for an Escrow Officer License and, in her application, disclosed her felony offense. On October 5, 2018, the Department proposed to deny her application, and Ms. Brower requested a hearing.

### B. Applicable Law

The Department may deny a license to an applicant who has been convicted of a felony or misdemeanor, or has engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation.<sup>2</sup> The Department shall not issue a license or authorization if an applicant has committed a felony or misdemeanor, or engaged in fraudulent or dishonest activity that directly relates to the duties and responsibilities of the licensed occupation unless the commissioner finds that the factors to be considered below<sup>3</sup> outweigh the serious nature of the criminal offense when viewed in light of the occupation being licensed.<sup>4</sup> The factors to be considered in determining whether a conviction directly relates to the occupation are:

1. the nature and seriousness of the crime;
2. the relationship of the crime to the purposes for requiring a license to engage in the occupation;

---

<sup>2</sup> Tex. Ins. Code § 4005.101(b)(8); 28 Tex. Admin. Code § 1.502(d).

<sup>3</sup> Tex. Occ. Code §§ 53.022 and 53.023 as incorporated in 28 Tex. Admin. Code § 1.502(h).

<sup>4</sup> 28 Tex. Admin. Code § 1.502(f).

3. the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
4. the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.<sup>5</sup>

In determining the fitness to perform the duties and responsibilities of the licensed occupation of a person who has been convicted of a crime, the licensing authority must also consider the following factors:

1. the extent and nature of the person's past criminal activity;
2. the age of the person when the crime was committed;
3. the amount of time that has elapsed since the person's last criminal activity;
4. the conduct and work activity of the person before and after the criminal activity;
5. evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release;
6. other evidence of the person's present fitness, including letters of recommendation from:
  - a. prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;
  - b. the sheriff or chief of police in the community where the person resides; and
  - c. any other persons in contact with the convicted person; and
7. proof furnished by the applicant that the applicant has:
  - a. maintained a record of steady employment;
  - b. supported the applicant's dependents;

---

<sup>5</sup> Tex. Occ. Code § 53.022.

- c. maintained a record of good conduct; and
- d. paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant or holder has been convicted.<sup>6</sup>

### C. Evidence

Staff offered one exhibit, which was admitted. This exhibit included Ms. Brower's application, information she provided about her offense, and three letters of recommendation. Staff called one witness, Mr. Lewis Weldon Wright IV, an insurance regulator with the Department. Ms. Brower testified on her own behalf and called two witnesses, Christopher Hillis and Shameer Soni, both colleagues. She did not offer any exhibits.

#### 1. Testimony of Lewis Weldon Wright IV

Mr. Wright testified that Ms. Brower's application was brought to his attention because of her criminal history. The Department made a determination that employment as an escrow officer would create a situation in which this applicant would have an opportunity to repeat the conduct prohibited by the Penal Code with which she was charged and received deferred adjudication. After requesting, and receiving, additional information from Ms. Brower regarding the offense, as well as an updated resume and letters of recommendation, the Department proposed to deny Ms. Brower's application for licensure.<sup>7</sup>

Although Mr. Wright had never spoken to Ms. Brower personally, he was aware from her resume that she had previously worked in banking and has been serving as an escrow processor for several years.<sup>8</sup> He acknowledged that since 2012, Ms. Brower has been employed in positions

---

<sup>6</sup> Tex. Occ. Code § 53.023. The Department has adopted these factors in its guidelines. 28 Tex. Admin. Code § 1.502(h).

<sup>7</sup> Staff Ex. 1 at 35.

<sup>8</sup> Tr. at 18.

which gave her access to large sums of money<sup>9</sup> and sensitive financial information. Although he agreed that her current duties as an escrow processor serve essentially the same functions as that of a licensed escrow officer and that she currently has the same opportunity to do something similar to what she was ultimately charged with 2010,<sup>10</sup> he testified that approving her license would provide an opportunity to re-offend.<sup>11</sup>

Mr. Wright testified that there is a connection between Ms. Brower's offense and the role as an escrow officer because in title insurance the opportunity to misdirect funds or to dishonestly create shell entities is very high.<sup>12</sup> Central to his determination is 28 Texas Administrative Code § 1.502, which specifically lists robbery offenses as of prime importance in determining fitness for licensure.<sup>13</sup> Moreover, a deferred adjudication may be considered a conviction if the termination of the supervision was less than five years since the license application,<sup>14</sup> and in Ms. Brower's case, it has only been two years. Mr. Wright conceded that he had seen no indication that, since her offense, Ms. Brower has done anything unethical, fraudulent or criminal; however, he testified that his agency only oversees *licensed* individuals, so any misconduct that may have occurred would not have come to his attention.<sup>15</sup> He testified that even if there had been no wrongdoing, and she were highly regarded by her peers, clientele and employers, his determination would be the same because this particular offense is of prime importance in determining licensure.<sup>16</sup> Moreover, Mr. Wright stated that the nature of Ms. Brower's crime is significant to an escrow officer's duties because it involves handling funds from multiple parties, which need to change hands reliably and timely. Therefore, any crime involving the coordination of multiple parties should be considered serious.<sup>17</sup>

---

<sup>9</sup> Tr. at 19.

<sup>10</sup> Tr. at 20.

<sup>11</sup> Tr. at 24.

<sup>12</sup> Tr. at 21.

<sup>13</sup> 28 Tex. Admin. Code § 1.502(e)(4)(D).

<sup>14</sup> Tex. Occ. Code § 53.021(d)(1)(B)(i).

<sup>15</sup> Tr. at 25.

<sup>16</sup> Tr. at 26.

<sup>17</sup> Tr. at 33-34.

## 2. Testimony of Amanda LeeAnn Brower

In 2010, Ms. Brower pleaded guilty to the offense of robbery by threats, a second degree felony.<sup>18</sup> She described the events surrounding the offense as follows: a group of three young men, one of whom was her boyfriend, planned to steal drugs from a drug dealer, whom they had robbed before.<sup>19</sup> Her boyfriend asked her to be the driver, reasoning that it was not wrong to steal someone's drugs because drugs were already illegal, and that it would show her love for him. So, to please her boyfriend, she agreed. The amount she was to be paid or what was to be done with the drugs once obtained was uncertain. The young men had taken the guns from Ms. Brower's house, after she had told her boyfriend that her father kept guns in the house.<sup>20</sup> They had assured her that no one would get hurt, but she said she now thinks every day about how easily things could have gone horribly wrong if someone had been killed during the robbery.<sup>21</sup>

Once she agreed to go along with them, she felt she could not back out. She said that while the three men went into the drug dealer's residence, she waited in the car and thought of leaving, but did not know what would happen to the others if she drove away without them. So, she felt she had to stay.<sup>22</sup>

She testified that in exchange for her testimony against the other three men, she was offered deferred adjudication, although she had already given the police all the information.<sup>23</sup> Her probation period was for ten years but ended after only seven years.<sup>24</sup> She paid all the court costs, fines and fees relating to her offense.<sup>25</sup> She testified that, although she realized at the moment she was arrested that she had gone down the wrong path, she was further able to see the consequences

---

<sup>18</sup> Tr. at 35; Staff Ex. 1 at 14.

<sup>19</sup> Tr. 36,

<sup>20</sup> Tr. at 37.

<sup>21</sup> Tr. at 48.

<sup>22</sup> Tr. at 47.

<sup>23</sup> Tr. at 39.

<sup>24</sup> Tr. at 40; Staff Ex. 1 at 22.

<sup>25</sup> Tr. at 57.

of her actions while on community service and made a conscious decision to completely cut ties with everyone in her life at the time, except family members.<sup>26</sup> Ms. Brower testified that she accepts full responsibility for what she did and made no excuses for it.<sup>27</sup> Before or since July 2010, she has had no run-ins with the law.<sup>28</sup>

In 2010, at the time of the offense, Ms. Brower was still in high school and on track to graduate on time.<sup>29</sup> She is currently enrolled as a college student, taking three to four courses per semester.<sup>30</sup>

Ms. Brower further testified that she started working at Sonic the day she turned 16, and then at a frozen yogurt shop.<sup>31</sup> After graduating high school, she worked for about a year as a waitress. She then worked at a bank for almost six years, and then transitioned to title work, first at Freedom Title, then Independence Title, and currently, the Patel Law Group, which is the fee attorney for Fidelity National Title. She is also a notary public, and notarizes documents for clients.<sup>32</sup>

According to Ms. Brower, at Fidelity National Title, she works as escrow processor, where her duties include order entry, title processing, receiving wires, depositing cashier's checks and disbursing funds in accordance with Fidelity National Title's procedures.<sup>33</sup> She is involved primarily in commercial real estate transactions, ranging from \$1 million to \$50 million. In 2018, she was involved in 327 closings, of which approximately 80% were commercial.<sup>34</sup> These transactions have multiple parties, usually a buyer, a seller, and a lender, their counsel and agents,

---

<sup>26</sup> Tr. at 56.

<sup>27</sup> Tr. at 39.

<sup>28</sup> Tr. at 56.

<sup>29</sup> Tr. at 40.

<sup>30</sup> Tr. at 53-54.

<sup>31</sup> Tr. at 55.

<sup>32</sup> Tr. at 40.

<sup>33</sup> Tr. at 40.

<sup>34</sup> Tr. at 41.

and give her access to entity documents, including operating agreements, partnership agreements, tax identification numbers, funds, and wiring information.<sup>35</sup> Nevertheless, according to Ms. Brower, the funding process has its own checks on accountability, because neither the escrow officer or the escrow processor can act unilaterally in submitting wires, because they must countersign for each other. Currently, she can handle disbursement, send wires, and cut checks, but the checks have to be counter-signed to ensure accountability regardless of whether she has the license. Thus, being an escrow officer would not give her an opportunity to steal money or perpetrate fraud greater than she currently has. The license would allow her to prepare and sign settlement statements and countersign a title insurance jacket, which she currently cannot do.<sup>36</sup>

Ms. Brower testified that she is seeking a license as an escrow officer for growth potential, because after working six years in title insurance, she had plateaued at her current position. She also wants to advance so she can better provide for her two young children and make her house payments.<sup>37</sup>

### **3. Testimony of Christopher Hillis**

Mr. Hillis testified that he is an associate attorney at the Patel Law Group. He has worked with Ms. Brower in his transactions with Fidelity National Title since May 2018. He said he has witnessed Ms. Brower dealing with difficult clients and always treating them professionally. She ensures that documents are prepared according to Fidelity standards even when met with resistance. According to Mr. Hillis, Ms. Brower is dedicated, competent, and honest.<sup>38</sup> Mr. Hillis testified that Ms. Brower is a person of high integrity and has never done anything to call her character into question.<sup>39</sup> Mr. Hillis opined that the person who committed robbery by threats is a completely different person from the person he works with in Ms. Brower every day.<sup>40</sup>

---

<sup>35</sup> Tr. at 41-42.

<sup>36</sup> Tr. at 43.

<sup>37</sup> Tr. at 50, 51, 53, and 54.

<sup>38</sup> Tr. at 60.

<sup>39</sup> Tr. at 60-61.

<sup>40</sup> Tr. at 61.

#### 4. Testimony of Shameer Soni

Mr. Soni testified that he is a partner at the Patel Law Group, a fee office for Fidelity National Title.<sup>41</sup> According to Mr. Soni, his office handles commercial transactions that range in value from \$1 million to \$50 million.<sup>42</sup> The transactions involve numerous parties, attorneys, transaction coordinators, brokers, agents, and such. Last year, his office closed about 320 deals, of which about 170 were commercial. These deals represent a total volume of approximately \$1 billion. Ms. Brower was involved in nearly every one of the commercial deals.<sup>43</sup>

Mr. Soni stated that Ms. Brower works closely with Michael Buchanan. Ms. Brower is the client's point of contact, primarily, subject to Mr. Buchanan's approval, on any sort of order entry decision making.<sup>44</sup>

Mr. Soni testified that he considers Ms. Brower one of his most valuable employees. She does excellent work, is a joy to work with, and is well respected among her peers and colleagues. Mr. Soni stated that he has no concerns about her honesty or integrity.<sup>45</sup> She is loved by her clients and attorneys, and has never been the subject of an issue or complaint. He wanted to present Ms. Brower for escrow licensure based on the quality of her work.<sup>46</sup> According to Mr. Soni, it would be an asset to the law firm for her to have an escrow license.<sup>47</sup>

---

<sup>41</sup> Tr. at 62.

<sup>42</sup> Tr. at 63.

<sup>43</sup> Tr. at 64.

<sup>44</sup> Tr. at 64.

<sup>45</sup> Tr. at 63.

<sup>46</sup> Tr. at 65.

<sup>47</sup> Tr. at 63.

## 5. Letters of Recommendation

Ms. Brower submitted a letter of recommendation from Deborah Smith, who works with Ms. Brower at the Patel Law Group and is a former felony prosecutor.<sup>48</sup> Her letter states that Ms. Brower is open and honest about her criminal history and has made radical changes in her life since the offense. In Ms. Smith's opinion, Ms. Brower serves as a stunning example of how the justice system can have a positive effect on a person and the larger community. Ms. Smith has worked with Ms. Brower professionally for the past seven months and has "never witnessed someone so dedicated to performing every aspect of their job flawlessly." She further notes that Ms. Brower's "work ethic is beyond reproach" and that she "will be an asset to any industry she chooses to work for."<sup>49</sup>

Ms. Brower submitted a letter of recommendation from Anish Patel, an attorney and a partner at the Patel Law Group.<sup>50</sup> Mr. Patel's letter does not address Ms. Brower's criminal history. Mr. Patel states that he hired Ms. Brower and has worked directly with her, and she has demonstrated integrity and a dedicated work ethic. Ms. Brower is timely, responsive and knowledgeable. Ms. Brower is an asset to his firm and the title industry.<sup>51</sup>

Ms. Brower submitted a letter of recommendation from Michael Buchanan, Ms. Brower's direct supervisor.<sup>52</sup> His letter does not address Ms. Brower's criminal history. Mr. Buchanan's letter states that Ms. Brower is "tremendous asset to our team." She is hardworking, honest, and courteous. She demonstrates the characteristics that an escrow officer requires. She requires minimal supervision and he has confidence in her decision making and reasoning skills, and believes she would make an excellent escrow officer.<sup>53</sup>

---

<sup>48</sup> Staff Ex. 1 at 12.

<sup>49</sup> Staff Ex. 1 at 12.

<sup>50</sup> Staff Ex. 1 at 31.

<sup>51</sup> Staff Ex. 1 at 31.

<sup>52</sup> Staff Ex. 1 at 32.

<sup>53</sup> Staff Ex. 1 at 32.

**D. Analysis and Recommendation**

Under Texas Insurance Code § 4005.101(b)(8), the Department may deny a license application if the Department determines that the applicant has been convicted of a felony. In determining whether to grant Ms. Brower's license application, the Department must consider the factors listed in Texas Occupations Code § 53.023 and 28 Texas Administrative Code § 1.502(f). The Department is particularly concerned about "extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved."<sup>54</sup>

Ms. Brower has one felony offense of robbery by threats. Although she was placed on deferred adjudication, she may still be considered to have been convicted if she completed her period of supervision less than five years before the date of her application.<sup>55</sup> She was released from supervision on January 3, 2017,<sup>56</sup> less than five years before she applied for her license, on September 11, 2018.<sup>57</sup> Ms. Brower disclosed the felony offense on her application. This felony is a serious crime and caused the Department concern about her fitness to act as an escrow officer. However, this offense occurred over eight years ago, when Ms. Brower had just turned 17 years old.

Ms. Brower has completed all requirements of her community service and released from three years early. She has paid all related court costs and fines. Since the time of her offense, Ms. Brower has rehabilitated herself and established a record of good conduct. She expressed remorse for her involvement in the robbery and for the potential it had for greater consequences, had anyone been killed. She has taken responsibility for her actions, offered no excuses, and has not been charged with any further crimes. The evidence shows that Ms. Brower is a totally different person than the person who committed the robbery in 2010. Her involvement was the product of emotional coercion of a 17-year-old girl who lacked the maturity she now possesses.

---

<sup>54</sup> Tex. Occ. Code 53.022(3).

<sup>55</sup> Tex. Occ. Code 53.021(d)(1)(B)(i).

<sup>56</sup> Staff Ex. 1 at 22.

<sup>57</sup> Staff Ex. 1 at 2.

Since her offense, Ms. Brower has maintained steady employment, improved her skills and her reputation, and held positions of trust and confidence. Since 2014, Ms. Brower has held positions giving her access to customer and company finances, and there has never been any question of her character, honesty, or integrity. The evidence shows her colleagues widely praise her as an asset to their company and a pleasure to work with. Ms. Brower has also been taking college courses to improve her skillset. She also supports her two young children and makes mortgage payments on a home.

Furthermore, the evidence shows that the Department's concerns about Ms. Brower engaging in similar criminal activity is unsubstantiated. For example, Ms. Brower's two witnesses and three letters of recommendation attest that she has a reputation for honesty and integrity, despite being entrusted with sensitive information. Furthermore, Ms. Brower has the endorsement of her application from five fellow employees at her current employment, including two partners and supervisor.

The preponderance of the evidence shows that in the more than eight years since her offense, Ms. Brower has turned her life around. She has become a successful and valuable member of her profession. The ALJ finds Ms. Brower is currently fit to perform the duties and responsibilities of an escrow officer. Therefore, the ALJ concludes the Department should grant her application for a Texas Escrow Officer's License.

### III. FINDINGS OF FACT

1. On September 11, 2018, Amanda LeeAnn Brower applied for a Texas Escrow Officer's License from the Texas Department of Insurance (Department).
2. On October 5, 2018, the Department proposed to deny Ms. Brower's application. On October 10, 2018, Ms. Brower timely requested a hearing to challenge the proposed denial.
3. On December 4, 2018, the Department issued to Ms. Brower a notice of hearing on the denial of her application. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted or an attachment

that incorporates by reference the factual matters asserted in the complaint or petition filed with the state agency.

4. The hearing was held on January 22, 2019, before Administrative Law Judge (ALJ) Casey Bell at the State Office of Administrative Hearings (SOAH) in Austin, Texas. Staff was represented by attorney Casey Seeboth. Ms. Brower was represented by Brandon Smith. The hearing concluded and the record was closed on February 7, 2019, when the transcript was received by SOAH.
5. On December 15, 2010, Ms. Brower pleaded guilty to robbery by threats, a second degree felony, in Cause No. 1207311W in the Criminal District Court No. 3 in Tarrant County, Texas. Ms. Brower was the get-away driver.
6. Ms. Brower was sentenced to ten years of community supervision, but was released three years early on January 3, 2017.
7. Ms. Brower was 17 years old at the time of the offense.
8. It has been eight years since Ms. Brower's last criminal activity.
9. Before and after the offense, Ms. Brower has worked, and since 2012 has maintained a record of steady employment in positions of trust and confidence, and has become a valued and respected member of her profession.
10. Since 2014, Ms. Brower has held positions giving her access to sensitive personal and financial information, and there has never been any question of her character, honesty, or integrity.
11. Since her offense, Ms. Brower has rehabilitated herself and established a record of good conduct.
12. Ms. Brower has not been charged with any further crimes.
13. Ms. Brower supports her children with her income from her work in the title business.
14. Ms. Brower has paid all outstanding court costs and fines related to her offense.
15. Ms. Brower expressed remorse for her past offense, accepted full responsibility, and offered no excuses.
16. Ms. Brower's current job duties give her access to sensitive personal and financial information and are very similar to those of an escrow officer.
17. The likelihood of Ms. Brower reoffending is very low.

18. The letters of recommendation submitted on behalf of Ms. Brower, all from people with whom she works closely, consistently praise her dedication, honesty, and work ethic.

#### IV. CONCLUSIONS OF LAW

1. The Department has jurisdiction over this matter. Tex. Ins. Code §§ 4001.002, .105, 4005.101.
2. SOAH has authority to hear this matter and issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Ins. Code § 4005.104.
3. Ms. Brower received timely and sufficient notice of hearing. Tex. Gov't Code ch. 2001; Tex. Ins. Code § 4005.104(b).
4. The Department may deny a license application if the Department determines that the applicant has been convicted of a felony. Tex. Ins. Code § 4005.101(b)(8).
5. The Department may consider a person to have been convicted of an offense regardless of whether the proceedings were dismissed and the person was discharged if the person completed the period of supervision less than five years before the date the person applied for the license. Tex. Occ. Code § 53.021(d)(1)(B)(i).
6. Staff has the burden to prove by a preponderance of the evidence that grounds exist to deny the Applicant's license. Staff met its burden of proof. 1 Tex. Admin. Code § 155.427.
7. Ms. Brower has the burden to prove by a preponderance of the evidence that she is fit to perform the duties and discharge the responsibilities of an escrow officer, notwithstanding her criminal history. Tex. Occ. Code § 53.023. Ms. Brower has met her burden of proof.
8. Despite her felony offense, Ms. Brower has shown the fitness required to perform the duties and discharge the responsibilities of a licensed insurance agent. Tex. Occ. Code § 53.023; 28 Tex. Admin. Code § 1.502(h)(2).
9. The Department should approve Ms. Brower's application.

**SIGNED March 8, 2019.**

  
\_\_\_\_\_  
CHRISTIAN SIANO  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS